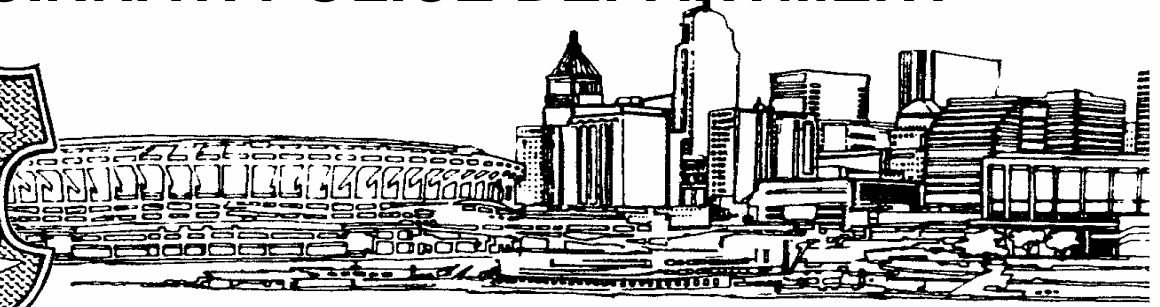


CINCINNATI POLICE DEPARTMENT



STAFF NOTES

Colonel Thomas H. Streicher, Jr., Police Chief
June 29, 2004

<u>ITEM</u>	<u>SUBMITTED BY</u>
1. <u>UPDATED CITY PROSECUTORS</u>	PROSECUTOR'S OFFICE
2. <u>LEGAL UPDATE</u>	PROSECUTOR'S OFFICE
3. <u>REMINDER TO CHECK ENGINE OIL</u>	FLEET MANAGEMENT UNIT
4. <u>PARTNERING CENTER NOTIFICATION</u>	PROSECUTOR'S OFFICE
5. <u>THANK YOU LETTERS</u>	CHIEF'S OFFICE
6. <u>REVISION OF PROCEDURE 12.235, OPERATING A VEHICLE UNDER THE INFLUENCE (OVI): PROCESSING & ARREST</u>	PLANNING SECTION
7. <u>REVISION OF PROCEDURE 12.537, MOBILE VIDEO RECORDING EQUIPMENT AND REVISED FORMS MVR1, IN-CAR CAMERA/VIDEO TAPE LOG AND MVR2, IN-CAR CAMERA/SPARE TAPE LOG</u>	PLANNING SECTION

1. UPDATED CITY PROSECUTORS

Personnel are advised that there are two newly assigned City Prosecutors. The new prosecutors are:

- Ms. Kathy Fallot
- Ms. Nicole (Nikki) Sanders

Both prosecutors will be assigned to courtrooms in July. Additionally, Mr. Frank Prouty has retired and Mr. Mike Schlueter has resigned.

2. LEGAL UPDATE

The United States Supreme Court recently affirmed a Nevada Supreme Court ruling stating that a citizen's failure to give their name to a law enforcement officer is a crime. This ruling does not affect Ohio. The Ohio Supreme Court has ruled that it is unlawful to give a false name to a law enforcement officer but there is no requirement to give any name at all if asked. Questions may be directed to Mr. Ernest McAdams, Jr. at 352-3332.

3. REMINDER TO CHECK VEHICLE ENGINE OIL

All officers should review [Procedure 12.030](#), Vehicles: Assignment, Use, and Maintenance, Section D, Motorized Vehicle Inspections. Section D.1. refers to inspections conducted at the beginning and end of the tour of duty each day. The engine oil must be checked at both the beginning and end of the tour of duty. If the engine oil is not checked on a routine basis it can result in extensive damage and costly repairs.

4. PARTNERING CENTER NOTIFICATION

If officers receive complaints about properties where there are junk autos, high weeds, dilapidated conditions, etc. they are to notify the Partnering Center at 352-5333. By making this notification, it will ensure the case will be sent to the housing docket.

5. THANK YOU LETTERS

[Attached](#) to these Staff Notes are several thank you letters written to the Police Chief for the professionalism displayed by officers in our Department.

6. REVISION OF [PROCEDURE 12.235](#), OPERATING A VEHICLE UNDER THE INFLUENCE (OVI): PROCESSING & ARREST

Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing & Arrest has been revised. All references to Driving Under the Influence (DUI) have been changed to Operating a Vehicle Under the Influence (OVI).

- New Section C. Underage Consumption/Arrest
- New Section D. Physical Control Under the Influence/Arrest.
- Section E.1.a.1)a) The violator's golden rod copy must be complete, but notarization is not required.
- Section E.1.c.a)1)a] Attach the drivers license of the arrested to the original white and canary copies.
- New Section E.1.c.2) Physical Control and Underage Consumption Arrests.
- Section G.2. Phlebotomist added to the list of individuals who may draw blood specimens.
- Section J.1.a. If Blood Alcohol Content (BAC) is .08 but below .170 the arresting officer will charge the juvenile with 4511.19A1 and 4511.19A4.
- Section J.1.b. If BAC is at .170 or above, the arresting officer will charge the juvenile with 4511.19A1 and 4511.19A8.
- Section J.2.a 1)-3) An Administrative License Suspension (ALS) is completed for underage consumption but not processed unless the chemical test is refused. Attach the drivers license to the Multi-Count Uniform Traffic Tag (MUTT). A juvenile who refuses a chemical test for underage consumption 4511.19B1 refer to Section C.1.c.
- New Section K.2. Anytime a Mobile Video Recorder (MVR) equipped vehicle is involved in a stop where an individual is arrested for OVI, the MVR tape(s) will be held as evidence. Clearly mark the 527 and MUTT's with "ACE" (Automated Control of Evidence). Also mark "yes" in the specific block on the 495. Complete the Form 606. Process the copy of the MVR tape as evidence held for court. Mark the tape with the date and OVI number.

There are additional minor changes throughout the procedure. Personnel should review the procedure in its entirety. These revisions are effective immediately. The revised procedure is available on the Intranet and on the Department web page.

7. **REVISION OF PROCEDURE 12.537, MOBILE VIDEO RECORDING EQUIPMENT AND REVISED FORM MVR1, IN-CAR CAMERA/VIDEO TAPE LOG AND MVR2, IN-CAR CAMERA/SPARE TAPE LOG**

Procedure 12.537, Mobile Video Recording (MVR) Equipment, has been revised.

- An Information section has been added.
- Section A.1.a. states all officers operating MVR equipped vehicles will wear the wireless transmitter on their duty belt and microphone on the front of their uniform.
- New Section B.4. states copies of the MVR tapes will be made by the district commander's designee.
- Section B.5.a.3)e) has been added and states the MVR tape will be changed when battery power is lost or the date and time are incorrect. The MVR time and the Mobile Data Terminal (MDT) time will be the same.
- New Section B.5.c.2) states anytime an MVR equipped police vehicle is involved in an auto accident the supervisor who completes the Form 90SP, Supervisor's Review of Vehicle Crash will complete a Form 606, Mobile Video/Audio Recording Records Request.
- New Section B.5.c.3) states anytime a MVR equipped police vehicle is involved in a stop where an individual is arrested for OVI, the MVR tape will be held as evidence. Clearly mark the Form 527 and MUTT with "ACE". Also mark yes in the specific block on the Form 495.
- New Section C.6. Requests from the Prosecutor's Office for MVR ACE tapes.
- New Section C.7. Requests from the Prosecutor's Office for copies of all other MVR tapes.
- New Section C.8. states media requests for MVR videotapes will be referred to and handled by the Public Information Office (PIO). Districts will release MVR videotapes to PIO upon request.
- Section D.2.c. Tapes used for more than 10 cycles will be checked to ensure video and audio clarity.
- Section E.1. Take malfunctioning MVR equipment to the Fleet Services Radio Shop for repair. This service is available at all times.

The Forms MVR1 and MVR2 are revised to include a block that will aid in tracking tape rotation cycles and includes the ninety-day rotation cycle. Form MVR3, Tape Custody Log is now available on the Department computer. To access these forms open the Excel application for MVR1 and MVR2, select "New" in the File menu and click on the appropriate form. Form MVR3 can be accessed by opening the Word application, select "New" in the File menu and click on the appropriate form.

There are additional minor changes throughout the procedure. Personnel should review the procedure in its entirety. These revisions are effective immediately. The revised procedure is available on the Intranet and on the Department web page.

From: Pepper, David
Sent: Monday, June 21, 2004 11:32
To: Streicher, Thomas; Whalen, James; Janke, Richard
Subject: Good feedback

Some positive feedback on high visibility!

-----Original Message-----

From: Michele Sparke
Sent: Monday, June 21, 2004 11:25 AM
To: david.pepper@cincinnati-oh.gov
Subject: Police patrol

Dear Mr. Pepper,

My husband and I live in the West End and love the developing area and proximity to downtown. Yesterday, I was driving north on Vine street from downtown on my way to Clifton. I know this is a problem area for crime, and people think I'm crazy for driving on Vine Street alone. In addition to police involvement, I feel there needs to be community involvement and an increase in "traffic" in order to help reduce crime. On this particular day, I was so impressed by the amount of patrolling police, both in car and on foot. I truly felt safe and at ease.

Also yesterday, we had police officers in our neighborhood for unknown reasons. One of the police officers (I didn't get his name or even the car number) had a group of kids come over to his car and he talked with them about law enforcement, his police car, etc. He really impressed me in how he dealt with the kids. He gave them each a piece of candy and said he "didn't want to see any candy wrappers on the ground". (We have a large problem with litter in our area) I just wanted to hug that man...he was so professional and personable and really made a great impression on all of the kids.

The reason for this e-mail...to say thanks for all the hard work you do as the chair of safety on city council and for the hard work the police do for our city. I really expect police to have "high visibility" in problem areas and yesterday we had just that!

Thanks again!

Michele Sparke



DART

DRUG ABUSE REDUCTION TASK FORCE

P.O. Box 429296, Cincinnati, Ohio 45242 Phone: (513) 791-0081/Fax: (513) 791-2386 Email: DartDesk@cinci.rr.com

June 17, 2004

Chief Thomas Streicher
310 Ezzard Charles Drive
Cincinnati, OH 45214

Dear Chief Streicher:

I would like to thank the Street Corner Unit for their assistance in serving Federal arrest warrants on Solomon Lawson and Michael Gresham on June 15, 2004. The service of these warrants led to three arrests for trafficking in cocaine, a significant drug seizure and a gun. DART agents were very impressed by Street Corner's willingness to help and professionalism displayed. Their comments did not surprise me. I already knew the quality of the unit.

Thanks again.

Sincerely,

Leo Robinson,
DART Coordinator



JIM PETRO
ATTORNEY GENERAL
STATE OF OHIO

30 E. Broad St., 17th Fl.
Columbus, OH 43215-3428
Telephone: (614) 466-4320
Facsimile: (614) 466-5087
www.ag.state.oh.us

June 15, 2004

Officer Patrick Galligan
Cincinnati Division of Police
310 Ezzard Charles Drive
Cincinnati, OH 45214

Re: Ohio Distinguished Law Enforcement Valor Award

Dear Officer Galligan:

My sincere congratulations on being selected as a 2004 recipient of the Ohio Distinguished Law Enforcement Valor Award. You will be honored and presented the Distinguished Law Enforcement Valor Medal at the 2004 Law Enforcement Awards Luncheon. This luncheon is held as part of the Ohio Attorney General's Conference on Law Enforcement and will take place on Friday, October 15th at 12:00 p.m. The ceremony will be held at the Hyatt Regency, 350 North High Street in Columbus, Ohio.

As a recipient, you are being recognized for your bravery and courage. Your commitment to the protection of the citizens of Ohio and your willingness to put your life at risk to ensure this, makes you truly worthy of this honor.

On the day of the conference, I am delighted to have you as my guest. Photographs with dignitaries have also been scheduled. Please be sure to attend in your departmental service dress uniform. It is also requested that you arrive at the Hyatt Regency no later than 10:30 a.m. Upon arrival, please report directly to Kelly Shore in the Regency Ballroom for further details on the ceremony.

Please notify Kelly Shore at 1-800-346-7682 to confirm your attendance along with your number of guests. You will be mailed conference brochures detailing all workshops at a later date.

On behalf of the Office of the Attorney General, the Ohio Peace Officer Training Commission, and members of the 2004 Ohio Law Enforcement Awards Committee, congratulations as a recipient of the Ohio Distinguished Law Enforcement Valor Award.

Warmest personal regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Petro". The signature is stylized with a large, sweeping "J" and "P".

Jim Petro

Cc: Sergeant Roger Robbins, Cincinnati Division of Police
Colonel Thomas Streicher, Cincinnati Division of Police



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358 Wilmer Ave. Air Tours & Transportation Cincinnati, OH 45226 513-871-8600 Ext 146

Chief Thomas Streicher, Jr.
Cincinnati Police Department
Police Chief's Office
801 Plum St.
Suite 2
Cincinnati, Ohio 45273-8724

June 16, 2004

Dear Chief Streicher,

On Monday June 14, 2004, I had the privilege of riding along with one of your police officers on the 2300 – 0700 shift in District Two. The police officer's name is Diane Lauer. I want to let you know how valuable an experience it was. All of the officers that I met were very welcoming upon my arrival, I got to sit through role call, and listen to the issues that they would be dealing with on that particular shift.

Officer Lauer was amazing! During that shift, we went from one call to another without a break of any kind. In each case, she handled herself with the utmost professionalism and courtesy. She allowed me to participate to the extent it was safe for both herself and me. In every incident both she and the other officers involved treated each individual, whether a victim or suspect, with respect, courtesy and patience. I do not know how in some cases they maintained their tempers, but they did. I learned an amazing amount from Officer Lauer; she took the time after each stop to explain to me what the circumstances were regarding the arrests, why the officers took the actions that they did, and the consequences to the people who were arrested. She was always looking out for her fellow officers, supporting them on the calls even if she was not dispatched. **You have a remarkable team of officers on that shift.** They consistently worked together, supported each other, and at no time did they refuse any task that another officer asked for help with. To the contrary, Officer Lauer volunteered to help with whatever the officer needed. From helping a father with an unruly daughter, to arresting a teen who had alcohol and marijuana paraphernalia, to a burglary, to a directed patrol at an apartment complex, you could have not dreamed of better officers than Officer Lauer and her fellows.

I am involved with the Citizens On Patrol at Lunken Airport and this ride along was invaluable for me to meet some of the officers in our District and understand what they do. You should be duly proud of your officers. I am sure that they are typical of the caliber of officers in the entire Cincinnati Police Department. Thank you for allowing me to spend time with your officers and I hope that more people avail themselves of this great learning tool.

Sincerely,


Sharon McGee

Village of Evendale
Police Department
Chief Gary R. Foust



10500 Reading Rd. Evendale, Ohio 45241 phone (513)563-2249 fax(513)563-8139
www.evendaleohio.org

June 16, 2004

Colonel Tom Streicher
Cincinnati Police Division
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Dear Chief Streicher:

I would like to take this opportunity to express our appreciation to Lt. Doug Ventre and the Cincinnati Police SWAT Team.

On June 14, 2004 a high-risk search warrant for the seizure of Ronald Palmore was conducted at 5575 Lester Road concerning the investigation of a rape case. This seizure occurred without incident.

Lt. Ventre was instrumental in the planning and execution of the warrant. The suspect had prior weapon and drug history. The warrant was conducted without incident because of the intelligence, planning, and high regard of safety deployed by the Cincinnati SWAT Team.

Please convey our appreciation to Lt. Ventre and the SWAT Team. They are truly a mirror of professionalism.

Sincerely,

A handwritten signature in black ink that reads "Chief Gary Foust".

Chief Gary Foust
Evendale Police Department



An Accredited Agency Since 1990

12.235 OPERATING A VEHICLE UNDER THE INFLUENCE (OVI): PROCESSING & ARREST

Reference:

- Ohio Revised Code 1547.11(B) - Operating Under Influence of Alcohol, Drugs Prohibited; Test Analysis
- Ohio Revised Code 4511.19(D) - Driving while under the influence of alcohol or drugs or with Certain Concentration of Alcohol in Bodily Substances; Chemical Analysis
- Ohio Revised Code 4511.191 - Chemical tests for determining alcoholic content
- Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
- Procedure 12.240 - Multi-Count Uniform Traffic Tag (MUTT)
- Procedure 12.260 - Warrants for Adults: Service and Recording
- Procedure 12.270 - Impounding, Moving, and Release of Vehicles
- Procedure 12.537 - Mobile Video Recording Equipment
- Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
- Procedure 12.600 - Prisoners: Securing, Handling, and Transporting
- Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage and Release
- Procedure 12.900 - Processing Juvenile Offenders

Definitions:

Qualified witness includes another police officer, a civilian police employee, any Cincinnati Fire Department personnel or an employee of the medical facility.

Exercise Control is defined as the driver's position in the front seat and having possession of the vehicles ignition key or ignition device.

Purpose:

To provide a safe environment for all motorists and pedestrians on area roadways.

Policy:

The Cincinnati Police Department will aggressively engage in OVI enforcement. Officers will properly preserve and prepare evidence for all OVI court cases. The Police Department will work with the community to help develop and participate in preventative programs relating to OVI enforcement.

Information:

An officer making an arrest for OVI must establish reasonable grounds for the initial stop. An officer observing an operator commit a traffic violation or any reasonable investigation are examples of a basis for a stop. The officer must then establish probable cause to arrest for OVI before administering any Blood Alcohol Concentration (BAC) Test. Administer Standardized Field Sobriety Testing at roadside prior to arrest.

Each police district has a testing site. District Commanders must designate a supervisor holding a valid breath testing permit as responsible for the care and security of the testing site. Traffic Unit is responsible for the care, maintenance, and instrument checks of the breath testing instrument.

Procedure

- A. Breath Testing for Blood Alcohol Concentration (BAC)
 - 1. Officers making an OVI arrest who are not certified breath testing instrument operators will request one respond to the arresting officer's district.
 - a. If time is of the essence, officers will use the nearest testing site.
 - b. Read the arrested the Miranda Warning and advise him of his right to make a telephone call at the time of arrest. Document this information on the Form 495, Cincinnati Police Department Intoxication Report, in the Arrest Information section.

2. Officers must obtain a breath, urine, or blood test within two hours of the violation (i.e. last operation of a vehicle). There is no time limit when a chemical test is not taken under 4511.19(A)(1).
3. The order of testing for Blood Alcohol Concentration (BAC) is:
 - a. Breath
 - b. Urine
 - c. Blood
 - 1) If arrested is being treated for injuries at a hospital, blood will be the preferred test.
4. The arresting officer or the breath testing instrument operator must observe the subject for 20 minutes or more before administering the breath test to ensure nothing is ingested orally.
5. The breath testing instrument operator will:
 - a. Ensure the breath testing instrument is functioning properly and the testing site log book is in proper order.
 - 1) An internal radio frequency interference (RFI) detector protects the breath testing instrument from radio interference. Radio interference inside the testing site may set off the RFI detector.
 - 2) If the RFI detector activates during a breath test, the operator will start the testing process over from the beginning. This does not excuse the arrested from the responsibility of giving an additional breath sample.
 - a) Do not attempt a third test on the breath testing instrument if the RFI detector activates a second time.

- 1] Time permitting, transport the arrested to another testing site.
 - 2] If time is a factor, the arresting officer will request a urine sample.
- b. An operator encountering a problem which creates doubt as to the breath testing instrument's accuracy or renders the breath testing instrument inoperable will remove the breath testing instrument from service.
- 1) The breath testing instrument operator will make a blotter entry noting the reason for removing the breath testing instrument from service and notify the shift Officer In Charge (OIC).
 - 2) The shift OIC will notify the Traffic Unit as soon as possible, but no later than the Traffic Unit's next working day.
- c. The breath testing instrument operator will conduct all testing and processing according to the Ohio Administrative Code Sections 3701.53.01-10 and Ohio Revised Code (ORC) Sections 4511.19 and 4511.191.
- B. Operating A Vehicle Under the Influence- Arrest
1. Complete the Multi-Count Uniform Traffic Tag (MUTT) as follows:
 - a. Charge all persons arrested for OVI, including a refusal of chemical test(s), with ORC Section 4511.19A1 "Operated a vehicle while under the influence of alcohol and/or drugs of abuse" in the OVI area of the MUTT.
 - b. If a completed breath test reveals the arrested has a BAC of .08 but less than .17 BAC the arresting officer will charge the arrested with ORC Section 4511.19(A)(1) in the OVI area and 4511.19(A)(4) in the first available other offense block of the MUTT.

- 1) The "Description of Offense" for ORC Section 4511.19(A)(4) should read:
"Operate a vehicle with a concentration of _____ Grams by weight of alcohol per 210 liters of breath".
- c. If a completed breath test reveals the arrested has a BAC of .17 or above, the arresting officer will charge the arrested with ORC Sections 4511.19(A)(1) in the OVI area and 4511.19(A)(8) in the first available other offense block on the MUTT.
 - 1) The "Description of Offense" for ORC Section 4511.19(A)(8) should read
"Operate a vehicle with a concentration of _____ Grams by weight of alcohol per 210 liters of breath."
- d. If a completed breath test reveals the arrested has a BAC of less than .08, the arresting officer will charge with ORC Section 4511.19(A)(1). Word the MUTT as in Section B.1.a.
 - 1) If drug abuse is suspected, or a combination of alcohol and drug abuse is suspected, request a urine sample.
- e. For blood or urine samples when alcohol is involved, the arresting officer will charge the arrested with ORC Section 4511.19(A)(1) in the OVI area of the MUTT and 4511.19(A)(2) or (5) in the first available other offense area of the MUTT as follows:
 - 1) Blood: 4511.19(A)(2), "Operate a vehicle with a BAC above .08 grams of alcohol per 100 milliliters of blood."
 - 2) Urine: 4511.19(A)(5), "Operate a vehicle with a BAC above .11 grams of alcohol per 100 milliliters of urine."

- 3) The Court Property Unit will send a copy of the results to the Traffic Unit and the arresting officer.
 - a) The Traffic Unit will send a copy of the analysis to the City Prosecutor's Office when requested.
- f. When only drugs are involved, use Section 4911.19(A)(1).
- g. If the arrested refuses a breath, urine, or blood test, the arresting officer will charge with ORC Section 4511.19 (A)(1). Word the MUTT as in Section B.1.a.
 - 1) Failure to give an adequate breath sample (deficient sample) is considered a refusal.
2. All charges supporting the OVI charge will be written on the same MUTT in the other offense area.
 - a. If another MUTT is used due to additional charges, print the words "Companion Case" across the "Conditions area" of the MUTT. Also, cross reference the MUTT serial numbers on each companion MUTT.
3. If the arrested fails to produce a driver's license, but has a valid license through Law Enforcement Automated Data System (LEADS) verification, do not cite for Section 4510.12. If the arrested has no driving privileges, cite the proper ORC Section for Driving Under Suspension (DUS) or No Operators License on the MUTT.
 - a. Advise the arrested to surrender the driver's license, within 24 hours of the arrest, to the district where processing occurred.
 - 1) The district receiving the license will forward it to the Traffic Unit.

4. Cite the arrested on the MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or a legal holiday, use the next court day.
5. OVI - Physical Arrest:
 - a. Physically arrest the violator having more than two OVI convictions within the last six years. (Example: You have an OVI offender with one prior conviction, they are charged as a second offender. Two prior convictions are charged as third offenders, etc.) Those charged as first and second OVI offenders may be cited (see Procedure 12.555).
 - 1) The Form 495 must reflect the number of OVI convictions which occurred in the last six years.
 - b. If the location of the arrested's residence and place of employment makes extradition necessary (Procedure 12.555), physically arrest and require bond.
 - c. If the arrested is hospitalized or remains under hospital care, whether or not a BAC test was given, follow Procedure 12.600.
 - d. See Section N. for proper routing of forms.

C. Underage Consumption/Arrest

1. If the person is under the age 21 and has consumed alcoholic beverages and operated a vehicle but is not believed to be under the influence, complete the (MUTT) as follows:
 - a. If a completed breath test reveals a BAC of .02 but under .08 BAC, charge the arrested under ORC Section 4511.19(B)(3) in the first available other offense block of the MUTT.
 - 1) The "Description of Offense" should read: "Operate a vehicle after underage alcohol consumption" 4511.19(B)(3).

- b. If a completed breath test reveals a BAC of .08 or greater, charge under the 4511.19(A) OVI arrest.
- c. If the violator refuses chemical tests, then charge under 4301.69 on a NTA.
 - 1) The "Description of Offense" should read; "No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, or consume any beer or intoxication liquor in any public or private place".
 - 2) If the violator refuses request for chemical test advise the violator he is under an immediate Administrative License (ALS) suspension but do not seize the vehicle.
- d. If the arrested submits to the breath test his driving privileges shall not be suspended and the vehicle should not be seized. Do not allow violator to operate the vehicle.

D. Physical Control Under the Influence/Arrest

- 1. If a person is under the influence of alcohol and/or drugs of abuse and exercises control over a vehicle but does not move the vehicle then complete the MUTT as follows:
 - a. Charge all persons arrested for Physical Control, including a refusal of chemical test(s), with ORC Section 4511.194.
 - 1) The "Description of Offense" for ORC Section 4511.194 should read; "Physical control of vehicle under the influence of alcohol/drugs" in the first available other offense block on the MUTT.
 - 2) If the violator refuses request for chemical test advise the violator he is under an immediate ALS suspension but do not seize the vehicle.

b. If a completed breath test reveals the arrested has a BAC of .08 or greater the arresting officer will also charge the arrested with an additional ORC Section 4511.194 in the next available other offense block on the MUTT.

1) The "Description of Offense" for ORC Section 4511.194 with a breath test of .08 BAC or greater should read; "Physical control a vehicle with a concentration of Grams by weight of alcohol per 210 liters of breath".

2) If the arrested submits to the breath test their driving privileges shall not be suspended and the vehicle should not be seized. Do not allow violator to operate the vehicle.

E. Completing Required Forms

1. The arresting officer will complete a Form BMV-2255, Administrative License Suspension (ALS) for each OVI, Physical Control and Underage Consumption arrest.

a. The ALS contains all rights, penalties, and appeals concerning driving privileges. The arresting officer, in the presence of a qualified witness, must read and show the offender the back side of the form regarding the "Test and Refusal Consequences." The arrested must have the opportunity to sign the form. If the arrested refuses, mark the "Refused to Sign" box. If the offender is unconscious due to injury, the form will still be read to the offender and write "Unconscious" on the signature line.

1) Ensure the ALS is completed with current information, signed by a qualified witness and notarized before separating the form.

a) The violator's golden rod copy must be complete, but notarization is not required.

- b. Impound the vehicle of a person arrested and charged with OVI for pretrial seizure if they are the owner [Law Enforcement Automated Data System (LEADS) verification] of the vehicle and have at least one (1) OVI conviction within the last six years.
 - 1) Refer to Procedure 12.270, for towing or moving a vehicle.
 - a) Advise Police Communications Section (PCS) the vehicle is a pretrial seizure when requesting a wrecker.
- c. Routing the Administrative License Suspension
 - 1) OVI arrests
 - a) If the arrested tests .08 or above BAC or refuses a breath, urine, or blood test:
 - 1] Send the original white and canary copies to the Traffic Unit.
 - a] Attach the driver's license of the arrested to the original white and canary copies.
 - b) Attach the pink copy to the MUTT.
 - c) Give the golden rod copy to the arrested.
 - b) If the arrested tests below .08 BAC or a urine or blood sample is taken:
 - 1] Send the original white and canary copies to the Traffic Unit.
 - 2] Attach the pink copy to the MUTT.

- a] Attach the driver's license of the arrested to the MUTT.
 - 3] Give the golden rod copy to the arrested.
- 2) Physical Control and Underage Consumption arrests
 - a) If arrested submits to chemical test all copies of completed ALS are stored in the OVI jacket at the processing site.
 - b) If the arrested refuses chemical test
 - 1] Send the original white and canary copies to the Traffic Unit.
 - a] Attach the driver's license of the arrested to the original white and canary copies.
 - b] Attach the pink copy to the MUTT.
 - c] Give the golden rod copy to the arrested.
- 2. The arresting officer will complete a Form 600, Notification of Rights for each OVI arrest.
 - a. Read and show the arrested the Form 600 in the presence of a qualified witness. The arrested must have the opportunity to sign the form. If the arrested refuses, mark the "Refused to Sign" box.
 - 1) At the time of arrest, read the arrested the Miranda Warning. Refer to Section A.1.b.
- 3. The arresting officer will complete a Form 495 for each OVI arrest.

- a. The summary of arrest must contain sufficient information to establish reasonable grounds for the initial stop and probable cause to arrest for OVI.
 - 4. The instrument operator will complete a Form HEA2652, State of Ohio Test Report, breath test record, and testing site log book entry whenever the breath testing instrument is operated or placed in operation, even if the arrested refuses the test.
 - a. For refusals, complete the Form HEA2652 through Step 4. Check the "Refusal" block.
 - 1) The breath test record will show an air blank and the word "Refused" followed by a second air blank, assuring proper working order of the breath testing instrument.
 - b. When a test is refused at the Hamilton County Justice Center, only a urine test can be offered or refused.
 - c. Enter all refusals, instrument checks, breath, urine and blood tests in the testing site logbook.
 - 1) All logbook entries must be in numerical order according to the OVI number on the Form 495.
 - 2) If an entry needs to be deleted in the testing site logbook, draw a single line through the item and notify Traffic Unit of the deletion.
 - 3) Notify Traffic Unit of any irregularities involving the testing site logbook.
- F. Urinalysis Testing for BAC
- 1. Use the ALS for the implied consent.

- a. The arresting officer must read and show the arrested, in the presence of a qualified witness, the "Test and Refusal Consequences" on the back side of the Form BMV-2255. The arrested must have the opportunity to sign the signature line on the front. If the arrested refuses to sign, mark the "Refused to sign" box.
2. A police officer of the same sex as the arrested must witness the giving of urine specimens to assure authenticity.
 - a. Arresting officers do not have to be licensed breath testing instrument operators to process urine samples.
 - b. Collect two samples in clean, tightly closed containers.
 - c. Add one Jenneile Enterprises sodium fluoride capsule to each sample. Indicate on the Evidence Submission Form and the Form 495 the sodium fluoride capsule was added.
 - d. Seal each specimen container with evidence tape and initial the tape.
 - e. Label each specimen container with the name of the arrested, name of the person taking the specimen, date and time the specimen was taken, and that the sodium fluoride capsule was added.
 - f. Complete one original Evidence Submission Form. Place the OVI number in the upper right corner. List the court date and ORC violation.
 - g. Place both sealed specimen containers in one evidence biohazard bag.
 - h. In the outside pocket of the biohazard bag place the following. Do not use staples or paper clips:
 - 1) Original Evidence Submission Form
 - 2) Original Form 327, Property Tag
 - 3) Original Form 330, Property Receipt

- 4) Copy of the Form 495 or citation.
 3. During normal business hours (0700 to 1600 hours), the arresting officer will hand deliver the evidence to the Court Property Unit.
 - a. If the Court Property Unit is closed, the officer will take the evidence to the Criminal Investigation Section (CIS) and place it in the CIS refrigerator. The delivering officer will make an entry in the CIS log book.
 - b. Court Property Unit personnel will pick up the evidence during normal business hours.
 4. Court Property Unit personnel will take both evidence specimens to the Hamilton County Coroner's Lab for analysis.
- G. Blood Testing for Blood Alcohol Content
1. Use the ALS for the implied consent.
 - a. The arresting officer must read and show the arrested, in the presence of a qualified witness, the "Test and Refusal Consequences" on the back side of the Form BMV-2255. The arrested must have the opportunity to sign the signature line on the front. If the arrested refuses to sign, mark the "Refused to Sign" box.
 2. Only a physician, registered nurse, qualified technician, chemist, phlebotomist or Cincinnati Fire Department paramedic can draw blood specimens.
 - a. A Cincinnati Fire Department paramedic should be the first choice when requesting blood specimens.
 - 1) If a paramedic unit has been dispatched to the scene of an accident due to injuries, etc., and the driver is suspected of OVI, the arresting officer may request the paramedic unit draw blood for analysis.

- 2) Blood should only be drawn inside an ambulance or hospital.
- b. Do not request area hospital personnel (physicians, nurses, etc.) to provide this service unless circumstances warrant their assistance.
 - 1) An officer who has reasonable grounds to believe a subject was operating a vehicle under the influence of alcohol or drugs may request a blood test pursuant to ORC Section 4511.191. The officer will request the hospital perform the appropriate test by completing an official request form designed by each hospital when required.
 - a) If the hospital refuses to assist in obtaining the specimen, contact the Traffic Unit.
- c. PCS cannot dispatch Fire Department paramedics for the sole purpose of drawing blood to ascertain BAC.
- d. Arresting officers do not have to be licensed breath testing instrument operators to process blood samples.
- e. The arrested will be shown and read the ALS and agree to have his blood drawn for the purpose of analysis.
 - 1) An unconscious person is deemed to have given consent under ORC Section 4511.191.
 - 2) When the arrested refuses to take a blood test under ORC Section 4511.191, no test may be given.
 - 3) The use of force to take blood samples is not permitted in Ohio.
- f. A police officer will insure alcohol swabs are not used in conjunction with blood samples.

- 1) A police officer will witness the drawing of the blood samples and maintain control of the evidence for court purposes.
3. Obtain two blood specimens.
 - a. Be sure the test tubes for the blood specimens have a gray cap and contain sodium fluoride and potassium oxalate as anticoagulants. Officers needing blood test tubes will contact the Traffic Unit.
 - b. Seal each specimen container with evidence tape and initial the tape.
 - c. Label each specimen container with the name of the arrested, name of person taking the specimens, and the date and time specimens were taken.
 - d. Complete one original Evidence Submission Form. Place the OVI number in the upper right corner. List the court date and ORC violation.
 - e. Place both sealed specimen containers in one evidence biohazard bag.
 - f. In the outside pocket of the biohazard bag place the following. Do not use staples or paper clips:
 - 1) Original Evidence Submission Form
 - 2) Original Form 327
 - 3) Original Form 330
 - 4) Copy of the Form 495 or citation.
 - g. Route the evidence as outlined in Section F.3. of this procedure.

H. Testing for Drug Abuse

1. When drug abuse, or a combination of alcohol and drug abuse is suspected, obtain either a urine or blood specimen and follow Section F. or G. of this procedure. Do not complete a Form HEA2652.

I. Fourth (4th) Degree Felony Arrests

1. Persons arrested with three or more prior OVI convictions within six years will be charged as a 4th degree felony (see Section B.5.a.1).
 - a. Officers must verify through the Regional Crime Information Center (RCIC) and LEADS that a person has at least three prior convictions within six years before charging as a 4th degree felony.
 - b. In bold letters write "4th DEGREE FELONY" in the conditions block of the MUTT and the top of Form 495.
2. Physically arrest all persons charged as a 4th degree felony OVI as outlined in Procedure 12.555.
 - a. Persons arrested for a 4th degree felony OVI will appear in Room A the next court day.
 - b. Complete the Form 527, Arrest and Investigation Report and the Form 527A, Bond Information Sheet as outlined in Procedure 12.555.

J. Juvenile OVI Offender

1. A juvenile OVI offender is processed the same as an adult when probable cause exists for ORC Section 4511.19(A) if the BAC is .08 but less than .170
 - a. If BAC is .08 but below .170 the arresting officer will charge the juvenile with ORC Sections 4511.19(A)(1) and 4511.19(A)(4) on the MUTT (see Section B.1.)
 - 1) Word the "Description of Offense" ORC Section 4511.19(A)(1) and 4511.19(A)(4) the same as an adult (see Section B.1.).
 - 2) The ALS is completed the same as an adult (see Sections C.1.).

- b. If BAC is at .170 or above, the arresting officer will charge the juvenile with ORC Sections 4511.19(A)(1) and 4511.19(A)(8) the same as an adult.
 - c. A juvenile OVI offender is processed the same as an adult when probable cause exists and the offender is charged with ORC Section 4511.19(A)(1) when the offender refuses any chemical test.
 - d. Release the juvenile to a parent or guardian only.
 - 1) Cite the arrested juvenile on the MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or legal holiday, use the next court day.
 - a) The court appearance is at 1600 hours in Juvenile Court, Broadway Building, 800 Broadway.
- 2. A juvenile is processed for "Underage Alcohol Consumption" ORC Section 4511.19(B)(3), when a completed breath test reveals the juvenile has a BAC of .02 to less than .08, and probable cause does not exist for the ORC Section 4511.19(A)(1) offense of OVI (per Information Section).
 - a. Word the "Description of Offense" ORC Section 4511.19(B)(3) as follows: "Operate a vehicle after underage consumption" in the first available other offense area of the MUTT.
 - 1) An ALS is completed for underage consumption but not processed unless chemical test is refused.
 - 2) Attach the driver's license to the MUTT.
 - 3) A juvenile who refuses a chemical test for underage consumption 4511.19(B)(3) refer to Section C.1.c.
- 3. If physically arrested, follow Procedure 12.900.

4. Obtain the consent of a parent or legal guardian before taking a blood sample.
 5. Write the word "Juvenile" in bold letters in the top left corner of the original Form 495 and all copies.
- K. Operating A Vehicle Under the Influence Investigation Record (Form 496)
1. The arresting officer will complete a Form 496, OVI jacket for each OVI arrest. The OVI jacket will contain the following forms:
 - a. Original Form 495
 - b. Original Form HEA2652
 - c. Original Breath Test Record
 - d. Original Form 600
 - e. One copy of the OH1, Ohio Traffic Crash Report (if applicable)
 - f. One copy of the ALS
 - g. One copy Form 527 (if applicable)
 - h. One copy of the MUTT
 - i. One Polaroid picture (adults only).
 2. Anytime a Mobile Video Recorder (MVR) equipped police vehicle is involved in a stop where an individual is arrested for OVI:
 - a. A copy of the OVI incident captured on tape(s) will be held as evidence. Clearly mark the 527 and MUTT(s) with "ACE" (Automated Control of Evidence). Also, mark "yes" in the specific block on the 495.
 - b. Complete a Form 606. Process the copy of the MVR tape as evidence held for court (see Procedure 12.715). Mark the copy of the tape with the date and OVI number.
 3. The testing site supervisor will review and file all OVI jackets.

- a. The testing site supervisor will ensure each form is properly completed.
- 4. OVI jackets can only be removed for court or with the permission of the district testing site supervisor or district commander.
 - a. To remove an OVI jacket, complete an entry in the OVI Jacket Sign Out Log. The entry must contain the OVI jacket number, name of the officer removing the OVI jacket, reason (including room number and case number), and the date removed. The OVI jacket must be returned promptly and an entry made in the log indicating the return date. The site supervisor will re-file the OVI jacket.
 - 1) Officers unable to return OVI jackets within five days must submit a Form 17 explaining why.
 - b. The testing site supervisor will ensure accountability and security of all OVI jackets.
 - 1) An audit of all OVI jackets will be conducted on January 1st and July 1st each year. Forward a summary of the audit through the affected bureau commander to Inspections Section and Traffic Unit.
- L. Use of Testing Sites by Outside Agencies
 - 1. A Form 495 will be used for each outside agency arrest. If the outside agency has its own intoxication report, assign a Cincinnati OVI number to each report.
 - 2. The arrest will be entered in the Cincinnati Police Department testing site log book by OVI number in numerical order.
 - 3. The Form HEA2652 will be completed when any breath test is given (not necessary with blood or urine).

4. All original documents, Form 495, Form HEA2652, Breath Test Record, Form 600, ALS, Operator's License, and any other form completed for the arrest will remain with the arresting officer from the outside agency. It will be the responsibility of the arresting officer from the outside agency to forward the proper copies to their court system.
5. Copies of all of the above listed forms completed for the arrest will be filed in the Form 496. Mark in bold letters on the top of the case jacket "OTHER AGENCY ARREST."
6. Copies of all the paperwork listed in 4. above will be sent to the Traffic Unit.

M. Supervisory Review of Completed Forms

1. A supervisor will review all forms for accuracy and completeness. The approving supervisor will sign the front of the Form 495.
2. The testing site supervisor will review the logbook weekly for accuracy and completeness.
 - a. The testing site supervisor will notify Traffic Unit of any irregularities.

N. Routing Completed Forms

1. All copies must be hand delivered before 0800 hours each court day. Each copy must be legible and on 8-1/2" X 11" paper.
 - a. City Prosecutor's Office, 801 Plum Street, Room 200:
 - 1) Two copies of the Form 495
 - 2) One copy of the State of Form HEA2652 and breath test record attached to the Form 495
 - 3) One copy of the OH-1 (if applicable).
 - b. Municipal Court Probation Division, Broadway Building, 800 Broadway:

- 1) One copy of the Form 495, placed in an envelope and labeled "Municipal Court Probation Division" and left at the Prosecutor's Office.

c. Traffic Unit, 800 Evans Street:

- 1) One copy of the Form 495
- 2) The original white and canary copy of the ALS with the driver's license attached, if applicable
 - a) Attach the license to the ALS when breath tests are .08 or above or any chemical test is refused and forward to the Traffic Unit.
 - b) Attach the license with the pink copy of the ALS to the MUTT for ORC Section 4511.19(A)(1) on any test under a .08 BAC, or blood and urine samples.
- 3) One copy of the Form HEA2652 and breath test record.
 - a) Attach all of the forms together.

O. Instrument Checks

1. Traffic Unit will perform an instrument check on the breath testing instrument once every seven days.

12.537 MOBILE VIDEO RECORDING EQUIPMENT

References:

Procedure 12.205 - Traffic Enforcement
Procedure 12.235 - Operating A Vehicle Under the
Influence (OVI): Processing &
Arrest
Procedure 12.535 - Emergency Operation of Police
Vehicles and Pursuit Driving
Procedure 12.715 - Property and Evidence:
Accountability, Processing,
Storage, and Release

Purpose:

Establish a policy regarding the use of mobile
video/audio recorders in Department vehicles.

Establish a policy regarding the storage, release,
and retention of mobile videotapes.

Policy

Utilizing Mobile Video Recording (MVR) equipment
will facilitate the Department's objectives to:
collect evidence for criminal prosecution, provide
an administrative inspection function, and assist in
training officers to improve safety and tactics.

MVR tapes are the property of the Cincinnati Police
Department (CPD) and are not to be duplicated and/or
used without authorization from the Police Chief or
his designee.

Original MVR tapes will not leave the custody of the
Police Department. The CPD will retain and preserve
tapes for at least 90 days, or as long as necessary
for the incident subject to investigation. MVR tapes
held as evidence by districts/sections/units will be
held by that unit for the prescribed retention
period. Any requests for copies of the held MVR tape
will be forwarded to the district/section/unit
holding the MVR tape.

Officers who fail to use the MVR equipment as
required or fail to report damage to the MVR
equipment are in violation of the Manual of Rules
and Regulations for the Cincinnati Police
Department.

Information:

The MVR relies completely on the police vehicle's battery for its power supply. When the battery goes dead or is disconnected, the date and time as well as the tape counter are no longer accurate. The tape counter will not allow the officer to know how much is left on the tape. The date and time will be incorrect for criminal or administrative investigations.

Procedure:**A. Operating/Utilizing MVR Equipment**

1. MVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
 - a. All officers operating MVR equipped vehicles will wear the wireless transmitter on their duty belt and microphone on the front of their uniforms.
2. Prior to leaving the district/section/unit, officers must determine whether their MVR equipment is working satisfactorily including date and time. Any problems will be brought to the attention of their supervisor immediately.
 - a. Officers will complete the "In-Car Camera" portion of the Form 436A, Daily Activity Record.
 - b. Officers will check the tape left on the installed videocassette to ensure there is an adequate amount available for the duration of the shift.
 - 1) The tape counter which appears in the top left corner of the screen indicates the amount of tape used. The maximum "count" for a tape is 12,000 (6 hours).
 - 2) When the tape counter has reached a count of 10,000 or above, the officer will notify a supervisor.

- c. If during their tour of duty, the MVR or audio equipment malfunctions, officers must notify their supervisor.
- 3. If the 30-minute warning light begins to flash during the shift, the officer will respond to the district/section/unit and request a tape change.
 - a. Officers will inform their supervisor of any videotaped sequences that may be of value for training purposes.
- 4. MVR equipment will automatically activate when the vehicle's emergency lights are activated. Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits.
 - a. The camera must be positioned and adjusted to record events appropriately.
 - b. The wireless microphone must be manually turned on.
 - c. Continue recording until the traffic stop is completed and the stopped vehicle departs, or until the officer's participation in the traffic stop ends.
 - d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
 - e. Officers must notify their supervisor if they become aware that a traffic stop or pursuit was not recorded.
- 5. When practical, officers will use their MVR equipment to:
 - a. Record requests for consent to search a vehicle, deployments of drug-detection canines and vehicle searches.
 - b. Record incidents in which the prisoner being transported is violent.
- 6. Officers may also use their MVR equipment to:

- a. Record the reason for their current or planned enforcement action.
 - b. Record the actions of suspects during interviews or when placed in custody.
 - c. Record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
 - d. Record the audio portion of a conversation with a citizen.
7. Officers will only use videotapes issued by CPD.
- a. Officers will not erase, alter, or tamper with MVR tapes.
8. Each MVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises the rear seat passenger(s) that everything they say or do may be recorded.

B. Tape Control and Management

- 1. Except as indicated below, MVR tapes will be stored at the district/section/unit.
- 2. Access to MVR tapes will be restricted to supervisory personnel only.
- 3. All original MVR tapes will be stored for 90 days following the last day of use.
- 4. Copies of the tapes will be made by the District Commander's designee.
- 5. MVR tapes will be stored/separated in the following categories:
 - a. Assigned MVR Tapes:
 - 1) Each vehicle will have 30 MVR tapes assigned to it, labeled with the equipment number and tape number. (e.g.: 04300-1.....04300-30).

- 2) Each vehicle will have a Form MVR-1, Video Tape Log to track tape changes and 90-day retention dates. The log must be kept secured with the MVR tapes.
- 3) MVR Tapes will be changed when:
 - a) The MVR tape counter reads 10,000 or above at the beginning of the shift.
 - b) The 30-minute warning light begins to flash during the shift.
 - c) The MVR tape needs to be removed for viewing or copying purposes.
 - d) There is a malfunction of the MVR tape.
 - e) Battery power is lost or the date and time are incorrect. The MVR time and the Mobile Data Terminal (MDT) time will be the same.
 - f) Directed by a supervisor.

b. Spare MVR Tapes

- 1) Each district/section/unit will have 20 spare MVR tapes available, labeled with the MVR tape number (e.g.: Spare-1 - Spare-20).
- 2) Spare MVR tapes are to be used in place of an "Assigned MVR Tape" when the 90-day retention period has not been met.
- 3) A Form MVR-2, Spare MVR Tape Log will be completed to track the use of spare MVR tapes and their retention dates.

c. Court/Evidentiary MVR Tapes

- 1) When MVR tapes are held for court/evidentiary purposes, the officer or supervisor will submit a Form 606, Mobile Video/Audio Recording Records Request before the end of the tour of duty.
 - a) One copy of the MVR tape will be made and processed as normal evidentiary material in accordance with Procedure 12.715.
 - b) Copies of MVR tapes must include a portion of video from directly before and after the incident in order to be considered a "certified" copy for court.
 - c) Retain the Form 606 at the district/section/unit to track copied MVR tapes.
 - d) The officer will mark all related documents with Automated Control of Evidence ("ACE") to alert the Prosecutor or investigator that a copy of the tape is available. "ACE" will be indicated only when the officer holds an MVR tape as evidence.
- 2) Anytime an MVR equipped police vehicle is involved in an auto accident, where the MVR is recording or an MVR captures a police vehicle involved in an auto accident, the supervisor who completes the 90S will complete a Form 606. Forward a copy of the tape along with the auto accident paperwork, (i.e. 90S, BMV3303, etc.) through the chain of command to the Fleet Management Unit. The Solicitor's Office will have access to these tapes as needed for lawsuits.
 - a) The Fleet Management Unit will maintain a computer database and act as a liaison with the City Solicitor's Office.

- b) Tapes not needed after 2 years will be returned to the district of assignment to be placed back in their tape rotation.
- 3) Anytime an MVR equipped police vehicle is involved in a stop where an individual is arrested for Operating a Vehicle Under the Influence (OVI):
 - a) A copy of the OVI incident captured on tape(s) will be held as evidence. Clearly mark the 527 and MUTT(s) with "ACE". Also, mark "yes" in the specific block on the 495.
 - b) Complete a Form 606 Process the copy of the MVR tape as evidence as evidence held for court (See Procedure 12.715). Mark the copy of the tape with the date and OVI number.

C. Request for tapes

- 1. Due to the training and evidentiary nature of MVR tapes, any request(s) for a MVR tape must be made prior to the end of the 90-day retention period.
- 2. Requests for copies of MVR tapes originating from within the Department must be submitted on a Form 606, Videotape Records Request to the district/section/unit where the MVR tape is assigned or stored.
 - a. The original MVR tape must be retained at the district of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations, or Inspections Sections. These units will notify the Officer In Charge (OIC) if a tape is taken for evidence.
 - 1) The Shift OIC will document MVR tapes taken as best evidence on a MVR Tape Custody Log, Form MVR-3, at the district/section/unit of assignment.

- 2) A best evidence MVR tape will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
 - 3) Label a blank tape with the same equipment and tape number, and put back into rotation.
- b. Officers requesting copies of MVR tapes for personal use must submit their request through Records Section.
3. Requests from outside of the Department must also be submitted on a Form 606 through Records Section to the district/section/unit maintaining the original tape.
 - a. When a request for a MVR tape is made from outside of the Department, a second copy of the MVR tape will be made and maintained in a file at the district for one year.
4. Duplicate MVR tapes will be made only after the approval of the unit OIC.
5. Additional blank tapes can be obtained at the Supply Unit.
6. Requests from the Prosecutor's Office for MVR "ACE" Tapes
 - a. Prosecutor's Office will contact the Court Property Unit and request a copy of an MVR "ACE" Tape.
 - b. Court Property Unit will complete and file the Form 606, make a copy of the videotape and arrange for the delivery of the copied videotape to the Prosecutor's Office.
7. Requests from the Prosecutor's Office for copies of all other MVR Tapes
 - a. Prosecutor's Office will contact the district/section/unit administrative assistant or supervisor to determine if a tape of the incident in question exists.

- b. If a tape exists, follow section B.5.c. (Court/Evidentiary MVR Tapes). Make an extra copy for the Prosecutor's Office and arrange for the delivery of the videotape.
 - 1) Indicate on Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
 - c. If no tape exists, the administrative assistant or supervisor will call the Prosecutor's Office and advise them there is no videotape.
 - 8. Media requests for MVR videotapes will be referred to and handled by the Public Information Office (PIO). Districts will release MVR videotapes to PIO upon request.
- D. Supervisory Responsibilities
 - 1. All district supervisors will:
 - a. Ensure officers follow established procedures for the use and maintenance of MVR equipment, tapes, and the completion of MVR documentation.
 - b. Ensure the 90-day retention period has been met before installing the next sequential tape.
 - 1) If the tape is available for use, it must be completely rewound and erased before re-installing into the VCR.
 - 2) If the 90-day retention period has not been met, the next sequential spare tape must be used instead.
 - c. Fill out the videotape or spare tape log completely and accurately each time a tape is changed.
 - d. Assign police vehicles with faulty or no MVR equipment as a last resort.
 - 1) Supervisors will note in their rounds why equipment without functioning MVR equipment was used.

- e. Conduct periodic and random reviews of videotapes for training and integrity purposes.
 - 1) Supervisors conducting these reviews will document their activity in the MVR logbook.
 - 2) Supervisors will conduct periodic and random inspections of MVR equipment to confirm it is in proper working order.
- 2. Each district/section/unit will designate one supervisor to be in charge of MVR equipment and tape log maintenance. The MVR supervisor will ensure:
 - a. Every 30 days, an audit of the videotape and spare tape logs is conducted, and all tapes assigned to a district/section/unit are accounted for. Any discrepancies will be brought to the attention of the district/section/unit commander.
 - 1) Any tape found during this audit that has been retained for more than 90 days will be manually erased and returned to the tape rotation.
 - b. Damaged or nonfunctional MVR equipment is tracked and sent for repair or replacement.
 - c. Assigned videotapes will be replaced as necessary to maintain video/audio clarity. If the videotape is not clear or causes any malfunction, do not use the tape. Replace with a new videotape. Tapes used more than ten rotation cycles will be checked to ensure video and audio clarity.
- 3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect MVR equipment to ensure the correct date and time are displayed on the monitor.
- 4. Each relief OIC will review two randomly selected videotapes per week for training issues. Results will be noted in their rounds.

5. Supervisors will review the MVR tapes in all cars of all officers listed in any CPD report regarding any incident involving:
 - a. Injury to Prisoners
 - b. Use of Force
 - c. Injury to Officers
 - d. Vehicle Pursuits
 - e. Police Officer Needs Assistance Runs
 - f. Citizen Complaints.
6. All reports related to the above incidents should indicate "MVR Review" and if evidence was found.

E. Maintenance, Repair, and Replacement

1. Take malfunctioning MVR equipment to the Fleet Services Radio Shop for repair. This service is available at all times.
2. Fleet Services Radio Shop is the liaison with the MVR vendor and will conduct all repair and replacement of MVR equipment.
3. The storage, distribution, tracking and repairs of MVR equipment will be designated in the district/section/unit Standard Operating Procedures (SOP).